

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

STATE OF MISSISSIPPI,

*Defendant.*

CIVIL ACTION NO.  
3:16-CV-00622-CWR-FKB

**UNITED STATES' RESPONSE MEMORANDUM IN OPPOSITION TO THE STATE'S  
MOTION FOR EXTENSION OF CASE MANAGEMENT DEADLINES AND TRIAL  
DATE**

The State of Mississippi's Motion for Extension of Case Management Deadlines and Trial Date (ECF No. 97) should be denied because the Motion is premature and speculative, and lacks specificity regarding which deadlines the State seeks to extend, when it seeks to extend those deadlines, and the basis for extending each of those deadlines. There is no good cause for an open-ended extension of all deadlines, including a trial not scheduled to begin for another nine months. Unnecessarily delaying relief to individuals with mental illness suffering discrimination in violation of Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131 *et seq.*, is prejudicial.

The State filed two motions to compel deposition testimony (ECF Nos. 92 and 94) regarding issues discussed with Magistrate Judge Ball during an informal discovery conference on August 7, 2018. Both motions to compel will be fully briefed no later than September 11, 2018 – six weeks before the close of discovery that began on October 13, 2017. The State's Motion for an open-ended extension assumes that 1) the Court will grant one or both of the pending motions to compel depositions, and 2) the Court will not rule on the two motions in time

for the State to take the depositions before the close of discovery on October 30, 2018. If both of those contingencies materialize, that is the time for the State to assess whether a limited extension of the discovery deadline is appropriate.<sup>1</sup> But even if such a limited extension of discovery becomes necessary, it will not be a reason to delay the May 20, 2019, trial. An unnecessary delay is inherently prejudicial, particularly in light of the significant public interest at issue in this case.

Finally, the State's Motion also ignores the fact that Judge Reeves has the length and date of the trial in this case<sup>2</sup> currently under advisement following an informal conference with the Parties on August 3, 2018,<sup>3</sup> at which the State raised no objection to the timing of the trial even though the State was aware of these discovery disputes. Judge Reeves specifically inquired into whether outstanding discovery disputes would affect the trial date, and neither Party brought any concerns to Judge Reeves' attention.

### **RELIEF REQUESTED**

For the reasons above, the United States respectfully requests that the Court deny the State's Motion.

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<sup>1</sup>If that does happen, the Parties can work together, as they have in the past, to amicably adjust the discovery schedule. The Parties have submitted several unopposed motions to modify the case management deadlines when the issue is ripe and the request is specific. *See, e.g.*, ECF Nos. 71, 81, 88.

<sup>2</sup> The Case Management Order sets the case for a two-week trial beginning on May 20, 2019. ECF No. 39. The Parties proposed a five-week trial. ECF No. 31-2. Judge Reeves is considering the United States' June 29, 2018 request to calendar the case for a five-week trial beginning on May 20, 2019.

<sup>3</sup> On August 1, 2018, the State sought an informal discovery conference with Magistrate Judge Ball to discuss the disputes giving rise to its motions to compel.

Dated: August 23, 2018.

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### **CERTIFICATE OF SERVICE**

I hereby certify that on August 23, 2018, I electronically filed the foregoing with the Clerk of Court using the ECF system, which sent notification of such filing to all counsel of record.

/s/ Mathew Schutzer  
Mathew Schutzer (NY Bar #5136007)